



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/757,523

01/15/2004

Takehiro Ogawa

04329.3222

4589

22852

7590

10/13/2006

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP

901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER

TO, BAOQUOC N

ART UNIT

PAPER NUMBER

2162

DATE MAILED: 10/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/757,523	Applicant(s) OGAWA ET AL.	
	Examiner Baoquoc N. To	Art Unit 2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>01/15/04 & 05/02/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-14 are pending in this application.

Priority

2. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 2003/008144, filed on 01/16/2003.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on 05/02/2005 and 01/15/2004. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Drawings

4. The drawing filed on 01/15/2004 is accepted by the examiner.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kumuro (US. Patent No. 5,964,168) in view of Ku et al. (US. Patent No. 6,462,762 B1).

Regarding on claim 1, Kumuro teaches an information processing apparatus, comprising:

Means for displaying a plurality of saved files and a plurality of folders representing categories which classify the plurality of files on a window (the top folder and the lower level folders subordinate to the top folder are displayed on the first area 133) (col. 4, lines 18-22);

Means for selecting one of the plurality of displayed folders (the IMS data folder is selected folder displayed on the first area 133 is changed as so shown in FIG. 40 so as to indicate which is currently selected...) (col. 4, lines 29-35);

Kumuro does not explicitly teach means for clearing the plurality of folders and the plurality of files which are displayed and means for displaying a plurality of another folders as selective candidates in a category represented by a selected folder and the

Art Unit: 2162

plurality of files. However, Ku teaches "means for clearing the plurality of folders and the plurality of files which are displayed and means for displaying a plurality of another folders as selective candidates in a category represented by a selected folder and the plurality of files" as clearing node A and displayed sub nodes C, F, G, H and I (col. 7, lines 29-32) which suggests when the selection of the node C, only node C is displayed along with others sub nodes not any of the previous selected nodes. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify Kumuro's system by incorporate the use of clearing the plurality of folders and the plurality of files which are displayed and displaying a plurality of another folders as selective candidates in a category represented by a selected folder and the plurality of files as taught by Ku in order to allow Kumuro's system to eliminate any unnecessary information on the display to enhance system performance.

Regarding on claim 2, Kumuro teaches the apparatus according to claim 1, wherein one or more folders, which are not selected, of the plurality of folders are not displayed (IMS folder is selected as the top folder and other folders in the system which are not selected and are not displayed) (col. 1, lines 11-15).

Regarding on claim 3, Kumuro teaches the apparatus according to claim 2, further comprising:

means for further selecting on of the plurality of another folders (that is, the picture pattern 133a of the selected folder (the "national flags", in this example) looks like a folded file is changed to an opened file" (col. 4, lines 33-35).

Kumuro does not explicitly teach means for clearing the plurality of another folders and the plurality of files which are displayed; and means for displaying one or more files corresponding to a category represented by a further selected folder. However, Ku teaches “the user may then select node B and the use-as-root-node command. The resulting use-as-root-node input causes the system to produce a tree display window (not shown) include node B as if it were the root node, and children nodes D and E” (col. 7, lines 49-54). This suggests all previously nodes A and C are clearing from the display of node B. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify Kumuro’s system include clearing previously selected nodes and displaying another node as taught Ku in order to eliminate any unnecessary information in the display to enhance system performance.

Regarding on claim 4, Kumuro teaches the apparatus according to claim 3, wherein the other files which do not correspond to the category represented by the further selected folder are not displayed (assuming folder sport are selected, files from other from non selected folder such as flowers and animals are not displayed, only files from the selected sport folder are displayed on the right-hand side) (col. 4, lines 30-53).

Regarding on claim 5, Kumuro teaches the apparatus according to any of claim 1, wherein the means for displaying includes displaying the folders together with character strings with represent the categories (the names of each folders are display adjacent to their folders) (fig. 4).

Regarding on claim 6, Kumuro teaches the apparatus according to claim 1, wherein the means for displaying include displaying the folders on a first display area on the window (the top folder are displayed and the lower level folders subordinate to the top folder are displayed on the first area 133) (col. 4, lines 19-21) and displaying the files on a second display area on the window (if all embroidery data directly belonging to the selected folder, rough images (which will be referred to as the embroidery pattern hereinafter) are displayed in the second area 135 together with the name of the embroidery data see fig. 4) (col. 4, lines 41-44).

Regarding on claim 7, Kumuro does not explicitly teach the apparatus according to claim 1, wherein the plurality of files include a file having a thumbnail image. However, Ku discloses "the presentation 24 comprise a file folder icon which is a representation commonly used for a directory or subdirectory data structure...Alternatively to or additional to the graphical representation, each node 24 may be indicated by a text-based or other identifier such as a file name or directory/subdirectory names" (col. 5, lines 30-44). This suggests the image file of Kumuro is also an icon as in Ku. Therefore it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify Kumuro's system to include icon as the image file as taught by Ku in order to give the user a convenience of click and view.

Claim 8 is a displayed method which performs the same steps as recites in the system of claim 1. Since claim 1 is rejected; therefore, claim 8 is rejected under the same reason as to claim 1.

Claim 9 depended on claim 8 and having similar step to the rejected claim 2.
Since claim 8 and 2 are rejected; therefore, claim 9 is also rejected under the same reason 2.

Claim 10 is depended on claim 8 and having similar step to the rejected claim 3.
Since claims 8 and 3 are both rejected; therefore, claim 10 is rejected under the same reason 3.

Claim 11 is depended on claim 10 and having similar step to the rejected claim 4.
Since claims 10 and 4 are both rejected; therefore, claim 11 is rejected under the same reason 4.

Claim 12 is depended on claim 8 and having similar step to the rejected claim 5.
Since claims 8 and 5 are both rejected; therefore, claim 12 is rejected under the same reason 5.

Claim 13 is depended on claim 8 and having similar step to the rejected claim 6.
Since claims 8 and 6 are both rejected; therefore, claim 13 is rejected the same reason as to claim 6.

Claim 14 is depended on claim 8 and having similar step to the rejected claim 7.
Since claims 8 and 6 are both rejected; therefore, claim 14 is rejected under the same reason as to claim 6.

Contact Information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baoquoc N. To whose telephone number is at 571-272-4041 or via e-mail BaoquocN.To@uspto.gov. The examiner can normally be reached on Monday-Friday: 8:00 AM – 4:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached at 571-272-4107.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:


Commissioner of Patents and Trademarks
Washington, D.C. 20231.

The fax numbers for the organization where this application or proceeding is assigned are as follow:

(571) –273-8300 [Official Communication]

BQ To

July 10th, 2006


JOHN BREENE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100